

February 12, 2018

To: Clerk of the Court  
United States District Court for the District of New Jersey  
4th & Cooper Streets  
Camden, NJ 08101

From: Patrick Dean Taylor  
311 E Wabash Avenue  
Crawfordsville, IN 47933  
Tel: 765-376-2787

Re: Cannon v. Ashburn Corporation, Civil Action No. 16-1452 (RMB)(AMD)

To the Honorable Court,

I am a class member to the above settlement because I purchased the following wine:

Wine: 2011 Pointelle Pinot Noir  
Date: 02/18/14  
Order #: 3125990

As a class member, I object to the proposed settlement terms. I find the terms to be inadequate given WTSO's breach of their customers' trust. I also feel that WTSO will ultimately benefit and profit from every single settlement credit redeemed.

Instead of the proposed settlement, I request that the Court require WTSO to grant all eligible Class Members a \$108.00 credit to be used toward up to 100% of the amount of the purchase price of any wines offered by WTSO, without restriction or limitation, during the Class Period.

I make this request because:

- 1) Class Counsel has stated a \$10.8 million benefit being made to over 200,000 Class Members, which is approximately \$54.00 per claimant. The \$108.00 request is approximately 2 times the average benefit created per claimant.
- 2) Wine is not a widget. Rather, it is a subjective consumable whose value is wholly dependent on consumer preference. As a Claimant, I should be able to freely choose which wines to purchase. Under the proposed settlement terms, WTSO could offer wine varietals that I do not prefer, lower rated wines, or wines that disagree with other personal preferences.
- 3) WTSO should not be allowed to benefit and profit from the behavior that has led to this settlement. Under the proposed settlement, I estimate I have about \$117.00 in credits. At a \$2.00 credit per bottle, I would have to purchase 58.5 bottles to fully use my credits. If my purchase price was \$17.99 per bottle (i.e. \$19.99 less \$2.00 credit), I would have to spend \$1,043.42 to fully use my credits. In addition, WTSO could manipulate the amount of discount on credit-eligible wines to offset lost revenue. For example, instead of a \$45.00 retail wine being offered at \$19.99, WTSO could simply offer the same wine at \$21.99 or higher.

I also object to the attorney fees.

- 1) Again, Class Counsel has stated a \$10.8 million benefit being made to over 200,000 Class Members. I emailed Mr. Oren Giskan, one of the Class attorneys, for more information about the benefit and the Class Members. Mr. Giskan did not know how many Class Members would

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actually file a claim before the deadline. Mr. Giskan also did not know how many eligible Class Members would fully use their credits.

- 2) Class Member details are difficult to research, but I did find one example involving the Ford Motor Company. In 2007, attorneys were awarded \$25 million in a class action against Ford Motor Company regarding the Ford Explorer. Consumers were eligible for a coupon worth either \$300.00 or \$500.00 toward the purchase of a new vehicle. Less than 9% of eligible claimants (148 out of 1,647) had redeemed a coupon, for approximately \$74,000. In WTSO's case, that would mean less than 18,000 Claimants would actually use at least some of their credits. The proposed \$2.00 credit per bottle could mean the actual value of credits used could be as little as \$36,000. I contend that the value class members will actually receive is a much smaller percentage of the stated value of the settlement.

Furthermore, the current settlement terms place an undue financial burden on me as a Class Member.

- 1) I have purchased approximately 175 bottles during the Class Period. The Class Period is approximately 6.625 years, meaning I have averaged approximately 26.42 bottles per year. Under the proposed settlement, I would have to increase my purchasing frequency by more than 119% to fully expend my credits during the Redemption Period. I am not in a financial position to increase my purchasing frequency.

The proposed settlement terms allow WTSO and Class Counsel to hide the actual value of the settlement. I strongly object to this.

- 1) Class Counsel and WTSO should be required to make public the number of eligible Class Members who successfully complete a Verification Form sixty (60) days after the Effective Date.
- 2) Class Counsel and WTSO should be required to make public on a monthly basis the aggregate amount of credits used during the Redemption Period.
- 3) Class Counsel and WTSO should be required to make public a final report that contains information such as: aggregate number of eligible Class Members, the aggregate number of Class Members who used at least \$.20 credit, and the aggregate amount of credits used.

The current settlement terms do not appreciably punish WTSO for their behavior.

- 1) Mr. Giskan was unable to tell me how WTSO is paying the damages. Absent any actual information, I contend WTSO has filed a claim under their General Liability insurance policy to pay for this settlement. Paying a slightly higher insurance premium in the future is not an acceptable punishment for breaching my trust.

Finally, other recent settlements have offered more benefit to the Class Members.

In January 2018, KT Health Holdings agreed to pay \$1.75 million to settle deceptive marketing allegations regarding its KT Tape product. Consumers can submit a claim form to get up to 50% of the full retail price of up to 5 KT Tape products. Prices range from \$9.99 to \$89.99, with an average price of \$31.64 per product. Based on the average price, the maximum claim could be up to \$79.09 per consumer. KT Health Holdings also agreed to change the way its athletic tape is advertised.

Also in January 2018, Proctor & Gamble agreed to pay \$30 million to settle false claims regarding the purported benefits of its Align probiotic products. Eligible Settlement Class Members may receive cash refunds up to \$49.26 for up to 3 packages of Align products purchased.

WTSO should not be allowed to profit from their actions, which they will with this settlement. Instead, WTSO should issue a \$108 credit to every eligible Class Member to freely purchase up to 100% of the purchase price of any wine offered by WTSO, with no exceptions or restrictions, during the Class Period.

Thank you for the opportunity to register my objection.

Sincerely,



Patrick Taylor

Attachment:

1. Email communication between Patrick Taylor and Oren Giskan

Citations:

- 1) [http://www.instituteforlegalreform.com/uploads/sites/1/Class\\_Action\\_Study.pdf](http://www.instituteforlegalreform.com/uploads/sites/1/Class_Action_Study.pdf)
- 2) <http://www.alignsettlement.com>
- 3) <https://www.ktsettlement.com>

Cc: Oren Giskan  
Giskan Solotaroff & Anderson  
217 Centre Street, 6th Floor  
New York, New York 10013

Suzanne Ilene Schiller  
Manko, Gold, Katcher & Fox, LLP  
401 City Avenue, Suite 901  
Bala Cynwyd, PA 19004

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20th (13) Apartment 2012 Apartment 2013-14 Apartment 2014-15 Apartment 2015-16 Apartment 2017-18 Art Center Baby Bannon (3) Baseball Cali Trip - Dec 2013 Car Hunters (2) Caring Center CDBG Grant Admin City Council Cloudburst First Grade Food and Wine Fort Wayne CoC House and Apt House Hun... (3) Main Street Merida MVC Songwriters NAP Paulee Paulee 2014 Personal RECAP Salud (13) School Recent

Question re: Settlement and WTSO Insurance (3)

**Patrick Taylor** Mr. Giskan, WTSO has agreed to pay the attorney fees.

**Oren Giskan** Patrick- I do not know the answer to your question. O

**Patrick Taylor** <ptaylor2112@sbcglobal.net>  
Cc: Oren Giskan

Thank you again for your prompt response.

Regards,  
Patrick Taylor

▼ Hide original message

On Monday, February 12, 2018 10:40 AM, Oren Giskan <ogiskan@gslawny.com> wrote:

Patrick-

I do not know the answer to your question.

Oren Giskan

**From:** Patrick Taylor [mailto:[ptaylor2112@sbcglobal.net](mailto:ptaylor2112@sbcglobal.net)]  
**Sent:** Friday, February 9, 2018 6:12 PM  
**To:** Oren Giskan <ogiskan@gslawny.com>  
**Subject:** Question re: Settlement and WTSO Insurance

Mr. Giskan,

WTSO has agreed to pay the attorney fees.

How are they planning to pay them? Are they filing a claim with their insurance?

Sincerely,  
Patrick Taylor

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## Cannon v Ashburn (WTSO) Settlement Questions (3)

On Friday, February 9, 2018 4:28 PM, Oren Giskan &lt;ogiskan@gslawny.com&gt; wrote:

Patrick-

I am sorry I missed your call.

Unfortunately, I do not have the answers to your questions. I am hopeful that many class members will submit Verification Forms and will use their Credits. As you note, on average, class members can get a significant amount of credits.

I hope that you will complete the simple Verification Form and use your Credits.

Please let me know if you have any additional questions.

Oren Giskan

**From:** Patrick Taylor [mailto:[ptaylor2112@sbcglobal.net](mailto:ptaylor2112@sbcglobal.net)]**Sent:** Friday, February 9, 2018 3:51 PM**To:** Oren Giskan <[ogiskan@gslawny.com](mailto:ogiskan@gslawny.com)>**Subject:** Cannon v Ashburn (WTSO) Settlement Questions

Mr. Giskan,

I am preparing an objection to the WTSO settlement. In the application for attorney fees, page 7, you state:

"Here, the relief is being made available to over 200,000 Class members. The Settlement provides approximately \$10.8 million in Credits to the Class."

This averages approximately \$54 of credits per class member.

My questions are:

- 1) How many class members are expected to file a claim before the deadline?
- 2) How many class members are expected to fully use all of their credits?

Please let me know at your convenience.

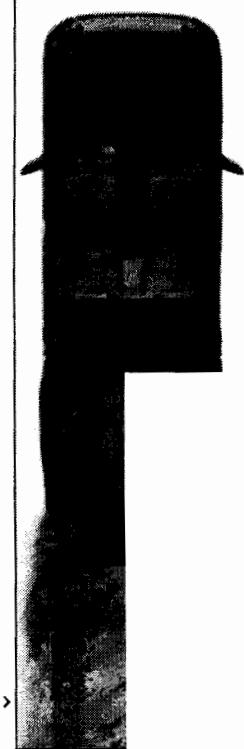
Regards,  
Patrick Taylor

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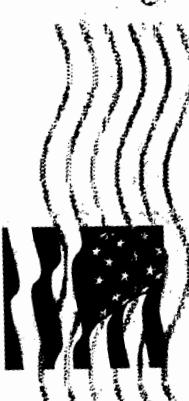
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